

COUNCIL CHAMBERS -- CITY COUNCIL  
CITY HALL -- CITY OF LODI

CITY OF LODI

MONDAY, MARCH 6, 1939.

This regular meeting of the City Council of the City of Lodi was called to order by the Mayor at 8:00 o'clock P.M. on Monday, March 6, 1939. Councilmen Clark, Graffigna, Spooner, Weihe and Steele being all members of the City Council present.

The minutes of the last meeting held February 20, 1939 was read, approved as read and so endorsed by the Mayor.

This being the date set by Resolution No. 987 for the reception of protests of property owners against the annexation of "BECKMAN ADDITION" and the matter coming on to be heard, the Clerk reported the reception of one protest which was read. On motion of Councilman Spooner, seconded by Councilman Graffigna, Resolution No. 989 was introduced and read by the Clerk.

RESOLUTION NO. 989

WHEREAS this City Council of the City of Lodi, County of San Joaquin, State of California did receive a petition on the 6th day of February, 1939 wherein it was asked that certain lands therein described be annexed to and made a part of the City of Lodi, such annexed territory to be designated as "BECKMAN ADDITION" for the purposes of such annexation, and;

WHEREAS the City Clerk compared the signatures annexed to said petition with those on the original affidavits of registration on file in the office of the County Clerk of San Joaquin County and as a result of such comparison, the said City Clerk has reported in writing that the said petition was signed by more than one-fourth of the qualified electors residing within the territory so petitioned to be annexed to the City of Lodi and thereupon this City Council did pass and adopt its Resolution No. 987 declaring the intent of this City Council to order, call and conduct an election within not less than fifty days from and after the adoption of said Resolution and, among other things, said Resolution No. 987 did designate and give notice that objections of owners of real property located within the boundaries of the territory proposed to be annexed would be heard before this City Council in its Council Chambers, City Hall, City of Lodi at the hour of 8:00 o'clock P.M. on Monday, the 6th day of March, 1939, and;

WHEREAS, publication of said Resolution No. 987 was had in time, form and manner as required by law in the "Lodi News-Sentinel" a newspaper of general circulation printed and published in the City of Lodi, (there being no newspaper published within the boundaries of the district proposed for annexation), as is evidenced by the affidavit of D. B. Rinfret, principal clerk of the publisher of said Lodi News-Sentinel on file and of record in the office of the City Clerk, and;

WHEREAS, one objection in writing has been filed with the City Clerk and has been submitted by him to this City Council, said objection representing the owners of one separate parcel of real property as displayed on the current assessment roll of San Joaquin County, which assessment roll shows that there are in all sixteen (16) separate parcels of real property located in the district proposed for annexation hereinafter described, now therefore,

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BE IT RESOLVED: that this City Council does hereby find, determine and declare that said petition for annexation was regularly circulated after due publication of notice to circulate the same signed and filed and was signed by not less than one-fourth of the qualified electors residing within the territory proposed for annexation;

That Resolution No. 987 was regularly published in time, form and manner as required by law and that due notice was given therein of the time and place of hearing of property owners against such annexation;

That the protests which were received by this City Council or filed with the City Clerk wherein owners of real property within the district proposed for annexation objected to such annexation constituted less than a majority of the owners of separate parcels of real property in said district and which protest is hereby overruled and denied and therefore, this City Council now has jurisdiction to call, order and conduct an election on the question of annexation within said territory and such election is hereby called and ordered to be held on Tuesday, the 4th day of April, 1939 for the purpose of submitting to the qualified electors residing therein, the question whether the territory bounded and described as follows, shall be annexed to and made part of the City of Lodi and from the date of such annexation, shall be taxed equally with property within the present City of Lodi for payment of principal and interest on bonds issued and outstanding at the date of such election. The territory herein proposed for annexation and within which said election shall be held and conducted is particularly bounded and described as follows:

All of the lands included within the exterior boundaries of that certain tract of land designated on a certain map or plat entitled "PLAN OF BECKMAN'S SUBDIVISION OF A PORTION OF THE S.W.  $\frac{1}{4}$  OF SECT. 12, T3N, R6E, IN SAN JOAQUIN COUNTY" which map was filed for record February 11, 1892 in the office of the County Recorder of San Joaquin County, California

Said territory, next hereinbefore described is hereby designated "BECKMAN ADDITION" for the purpose of identification by which name said territory may be referred to and indicated upon the ballots to be used at said election.

The electors resident in the said territory and qualified to vote therein are hereby directed to vote in the following manner. Upon the ballots to be used at such election there shall be printed the words "Shall Beckman Addition be annexed to, incorporated in and made a part of the City of Lodi, and the property therein be, after such annexation, subject to taxation equally with the property within such municipal corporation to pay that portion of the bonded indebtedness of the City of Lodi issued and outstanding at the date of the filing of the petition for annexation: to-wit, issued and outstanding on the 6th day of February, 1939", opposite these words there shall be printed the words "Yes" and "No" and to the right of each of these last two words there shall be a voting square. If an elector shall stamp a cross (X) in the voting square after the printed word "Yes" the vote of such elector shall be counted in favor of the annexation of the territory referred to in such proposition to the City of Lodi under the conditions therein stated, and if an elector shall stamp a cross (X) in the voting square after the word "No" the vote of such elector shall be counted against such annexation.

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The ballots used at such election and the holding and conducting of such election, shall be in conformity, as near as may be, with the laws of this State concerning general elections, except as herein otherwise provided. The polls shall be open from 6:00 A.M. to 7:00 P.M. of said day. The judges and inspector of such election for each polling place shall, immediately on the closing of the polls, count the ballots, make up, certify and seal the ballots and tally sheets of the ballots cast at their respective polling places, doing so, as nearly practicable, in the manner provided in the laws of this State relating to general elections, and they shall thereupon deliver the ballots, tally sheets and returns to and deposit the same with the City Clerk of this City.

The bonded indebtedness of the City of Lodi hereinbefore referred to issued and outstanding at the date of the filing of the petition for annexation, on the date of the first publication of the notice of election, and on the date herein set for said election, the purposes thereof, the principal amount outstanding and the interest rates thereon are as follows:

Improvement Bonds of 1921 issued for \$200,000 of which there is still outstanding \$17,000 bearing interest @ 5 $\frac{1}{4}$ % per annum incurred for the acquisition, construction and completion of additions of water system, storm sewers, sanitary sewers, additional fire mains and additional equipment for the municipal electric plant.

Improvement Bonds of 1925 issued for \$100,000 of which there is still outstanding the sum of \$25,000 bearing interest @ 5% per annum incurred for the acquisition, construction and completion of a sewage disposal plant.

Sample ballots and polling place cards containing the matter required to be printed thereon shall be mailed to the electors of said territory by the City Clerk, but a failure on the part of any elector to receive such sample ballot shall not be held to invalidate the election or affect in any manner the legality thereof.

There shall be one voting precinct within said territory for the purpose of holding said special election, which voting precinct is hereby established by this City Council for that purpose and designated "Election Precinct No. 1" the boundaries of which shall be co-extensive with the boundaries of the territory herein proposed to be annexed to the City of Lodi. The voting place at which the polls will be open for said special election in said territory shall be at J. W. Doty Residence - Quinby Avenue R. F. D. 2, Box 155, Lodi, California, there being no place commonly used as a voting place within such territory.

The officers to conduct said special election in and for said voting place in said territory are hereby appointed and designated as follows:

INSPECTOR: John W. Doty  
JUDGES: Joseph A. Whitley and James S. Colvin

each of the foregoing election officers being a qualified elector of said voting precinct.

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The City Clerk of this City will cause proper notice of this election to be published at least once a week for four successive weeks next preceeding the date of this election in the "STOCKTON RECORD" a newspaper of general circulation printed and published outside the City of Lodi but in the county of San Joaquin and hereby designated by this City Council for the purpose, such notice to be in substantially the following words:

NOTICE OF SPECIAL ELECTION

NOTICE IS HEREBY GIVEN that, in response to a petition for annexation, and pursuant to law and proceedings heretofore had, a special election is hereby called and ordered to be held on Tuesday, the 4th day of April, 1939 within the territory hereinafter described, for the purpose of submitting to the qualified electors residing therein the question whether said territory shall be annexed to and made a part of the City of Lodi, and, from the date of such election, be taxed equally with property within the present City of Lodi to pay that portion of the bonded indebtedness of said City issued and outstanding at the date of the first publication of this notice.

Said territory shall be designated as "BECOMAW ADDITION" and shall be so named on the ballots to be used at said election and is particularly bounded and described as follows:

All of the lands included within the exterior boundaries of that certain tract of land designated on a certain map or plat entitled "PLAN OF BECOMAW'S SUBDIVISION OF A PORTION OF THE S.W.  $\frac{1}{4}$  OF SECT. 12, T3N, R6E, IN SAN JOAQUIN COUNTY" which map was filed for record February 11, 1892 in the office of the County Recorder of San Joaquin County, California.

The bonded indebtedness of said City above referred to, at the date of the filing of the petition for annexation, at the date of the first publication of this notice and at the date herein set for said election is as follows:

Improvement Bonds of 1921 issued for \$200,000 of which there is still outstanding \$17,000 bearing interest @  $5\frac{1}{2}\%$  per annum incurred for the acquisition, construction and completion of additions to water system, storm sewers, sanitary sewers, additional fire mains and additional equipment for the municipal electric plant.

Improvement Bonds of 1923 issued for \$100,000 of which there is still outstanding the sum of \$25,000 bearing interest @  $5\%$  per annum incurred for the acquisition, construction and completion of a sewage disposal plant.

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The electors resident in the said territory and qualified to vote therein are hereby directed to vote in the following manner. Upon the ballots to be used at such election there shall be printed the words "Shall BECKMAN ADDITION be annexed to, incorporated in and made a part of the City of Lodi, and the property therein be, after such annexation, subject to taxation equally with the property within such municipal corporation to pay that portion of the bonded indebtedness of the City of Lodi issued and outstanding at the date of the filing of the petition for annexation: to-wit, issued and outstanding on the 6th day of February, 1939", opposite these words there shall be printed the words "Yes" and "No" and to the right of each of these last two words there shall be a voting square. If an elector shall stamp a cross (X) in the voting square after the printed word "Yes" the vote of such elector shall be counted in favor of the annexation of the territory referred to in such proposition to the City of Lodi under the conditions therein stated, and if an elector shall stamp a cross (X) in the voting square after the word "No" the vote of such elector shall be counted against such annexation.

The ballots used at such election and the holding and conducting of such election, shall be in conformity, as near as may be, with the laws of this state concerning general elections, except as herein otherwise provided. The polls shall be open from 6:00 A.M. to 7:00 P.M. of said day. The judges and inspector of such election for each polling place shall, immediately on the closing of the polls, count the ballots, make up, certify and seal the ballots and tally sheets of the ballots cast at their respective polling places, doing so, as nearly practicable, in the manner provided in the laws of this State relating to general elections, and they shall thereupon deliver the ballots, tally sheets and returns to and deposit the same with the City Clerk of this City.

Sample ballots and polling place cards containing the matter required to be printed thereon shall be mailed to the electors of said territory by the City Clerk, but a failure on the part of any elector to receive such sample ballot shall not be held to invalidate the election or affect in any manner the legality thereof.

There shall be one voting precinct within said territory for the purpose of holding said special election, which voting precinct is hereby established by this City Council for that purpose and designated "Election Precinct No. 1" the boundaries of which shall be co-extensive with the boundaries of the territory herein proposed to be annexed to the City of Lodi. The voting place at which the polls will be open for said special election in said territory shall be at J. W. Doty Residence - Quinby Avenue, R. F. D. 2, Box 155, Lodi, California there being no place commonly used as a voting place within such territory.

The officers to conduct said special election in and for said voting place in said territory are hereby appointed and designated as follows:

INSPECTOR: John W. Doty  
JUDGES: J. A. Whitley and James S. Colvin

each of the foregoing election officers being a qualified elector of said voting precinct.

This Notice is given pursuant to Resolution No. 989 of the City Council of the City of Lodi as adopted by said City Council on March 6, 1939 and in accordance with the "Annexation Act of 1913" and amendments thereto.

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The foregoing Resolution No. 989 was then adopted by the assenting votes of Councilmen Spooner, Graffigna, Weihe, Clark and Steele.

The monthly reports of the Chief of Police and of the Poundmaster were received, read and ordered filed.

A letter from the Division of Highways giving the result of the traffic count taken at the intersection of State Highways 4 and 24 was received. The Clerk reported that he had reported the findings made in this letter to the Secretary of the Victor Farm Center.

Two applications for business licenses No. 30 and 31 were ordered granted.

The application of August Lippert to conduct and maintain a trailer camp under the provisions of Ordinance No. 248 on portions of Lots 6 and 7 Lodi Barnhart Tract was granted on motion of Councilman Weihe, seconded by Councilman Spooner.

On motion of Councilman Graffigna, seconded by Councilman Weihe, claims in the amount of \$21,525.73 were allowed and warrants ordered drawn in payment thereof.

The compensation of Edwin D. Emery was allowed for one-half month only.

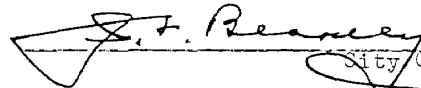
The Council approved the notice given by City Attorney, Glenn West to the attorneys of the Pacific Telephone and Telegraph Company that said company had no ownership interest in the pole at the intersection of California Street and Walnut Street which was the subject of the accident to Edwin D. Emery on October 31, 1937.

Mr. Kenneth Lobaugh again addressed the board in regard to public liability insurance and stated that with the \$750.00 deductible allowance, the rate would be out approximately 50%. He was authorized to submit tentative policies for insurance.

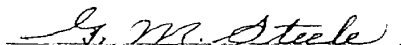
On motion of Councilman Graffigna, seconded by Councilman Weihe the Committee on Public Health and Safety was authorized to lease a portion of the land acquired from D. B. Doepke at the rate of \$20.00 per acre per year, water included.

The Council then adjourned on motion of Councilman Weihe.

ATTEST:

  
City Clerk

The foregoing minutes of a regular meeting of the City Council of the City of Lodi were read and approved without correction at a subsequent meeting of said City Council held March 20, 1939.

  
Mayor